

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 20, 2010

MR DOUG HARRIS
ENGINEERING MANAGER
BUILDING MATERIAL CORPORATION OF AMERICAN
2006 SINGLETON BLVD
DALLAS TX 75212-3738

Re: Permit Number: 7711A
Building Materials Corporation of America
Asphalt Roofing Production Facility
Dallas, Dallas County
Regulated Entity Number: RN100788959
Customer Reference Number: CN602717464
Account Number: DB-0378-S

Dear Mr. Hunter:

This letter is your notice that the executive director has issued final approval of the above-referenced application. According to Title 30 Texas Administrative Code § 50.135 (30 TAC § 50.135), the approval became effective on August 20, 2010, the date the executive director signed the permit. Enclosed is a copy of the executive director's response to comments.

You may file a **motion to overturn** with the Office of the Chief Clerk. A motion to overturn is a request for the Commission to review the executive director's decision. Any motion must explain why the Commission should review the executive director's decision. According to 30 TAC § 50.139, an action by the executive director is not affected by a motion to overturn filed under this section unless expressly ordered by the commission.

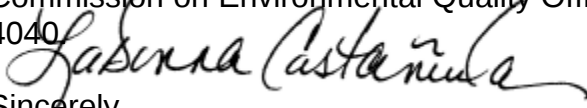
A motion to overturn must be received by the Chief Clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the chief clerk in person, or by mail to the chief clerk's address on the attached mailing list. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the executive director's attorney and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion to overturn is not acted on by the Commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

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You may also request **judicial review** of the executive director's approval. According to Texas Health and Safety Code § 382.032, a person affected by the executive director's approval must file a petition appealing the executive director's approval in Travis County district court within 30 days after the effective date of the approval. Even if you request judicial review, you still must exhaust your administrative remedies, which includes filing a motion to overturn in accordance with the previous paragraphs.

Individual members of the public may seek further information by calling the Texas Commission on Environmental Quality Office of Public Assistance, toll free at 1-800-687-4040.


Sincerely,

LaDonna Castañuela
Office of the Chief Clerk
Texas Commission on Environmental Quality

JG/kp

Enclosures

cc: Latha Kambham, Ph.D., Consultant, Trinity Consultants, Dallas
Ms. Christine M. Otto Chambers, Consultant, Trinity Consultants, Dallas
Section Manager, Air Pollution Control Program, City of Dallas Environmental and
Health Services, Dallas
Air Section Manager, Region 4 - Fort Worth

Project Number: 143272

MAILING LIST FOR PERMIT NUMBER: 7711A
Dallas County

FOR THE APPLICANT:

Mr. David Fuellerman
Plant Manager
Building Materials Corporation of America
2600 Singleton Boulevard
Dallas, Texas 75212-3738

PROTESTANTS/INTERESTED PERSONS:

See Attached List

FOR THE EXECUTIVE DIRECTOR:

Ms. Erin Selvera
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Javier Galván, P.E.
Texas Commission on Environmental Quality
Office of Permitting and Registration
Air Permits Division, MC-163
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Austin, Texas 78711-3087

FOR OFFICE OF PUBLIC ASSISTANCE:

Ms. Bridget Bohac
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
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Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Mr. Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
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Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
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